



Docket No.: 013436.0235PTUS
(Bortolini 6-7-1)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Edward J. Bortolini et al.

Application No.: 09/766736

Confirmation No.: 1298

Filed: January 22, 2001

Art Unit: 2623

For: DISTRIBUTED BROADBAND CABLE
MODEM TERMINATION SYSTEM

Examiner: U. Raman

DECLARATION UNDER 37 C.F.R. §1.131

1. The undersigned Edward J. Bortolini, Chia Chang Li, and Roger W. Loots are the inventors named on this application.

2. In a Final Office Action dated 16 June 2006, the Examiner rejected the claims of the above-captioned U.S. Patent Application Serial No. 09/766736 (hereinafter "the '736 Application") based in part on US Patent Application Publication No. 2002/0093970 A1 to Amit (hereinafter "the Amit Publication") filed on 15 January 2001.

3. The undersigned Edward J. Bortolini, Chia Chang Li, and Roger W. Loots submit this declaration to swear behind the cited Amit Publication.

4. The undersigned Edward J. Bortolini, Chia Chang Li, and Roger W. Loots affirm that Attachment A, a draft copy of the '736 Application, was prepared prior to the above-noted earliest priority date of the Amit Publication, and this draft copy discloses the subject matter claimed in the '736 Application as filed on 22 January 2001.

5. The undersigned Edward J. Bortolini, Chia Chang Li, and Roger W. Loots affirm that the draft copy of the '736 Application of Attachment A was filed as the '736 Application less than one month after the creation of the draft copy of the '736 Application of Attachment A.

6. We further declare that all statements herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

COPY

Application No. 09/766736
Declaration Under 37 CFR §1.131
After Final Office Action of June 16, 2006

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Edward J. Bortolini

Date

Chia Chang Li

Date

Roger W. Loots